IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 3461 OF 2007

Vipul Devendra Choksi. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Madhukar Dalvi with A.J. Phoujdar
for the applicant.

S.S.Pednekar, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 24th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The order passed by the Sessions Court dated 13th October, 2007 in Anticipatory Bail Application No.1278/2007 is practically a one line order which can hardly be said to be a judicial order. From the said order it is difficult to read the mind of the learned Sessions Judge while refusing to grant anticipatory bail to the applicant. The learned Sessions Judge ought to have recorded reasons in support of his order. It is a cryptic and perfunctory order passed in a casual manner and is clearly in breach of principles of natural justice. While rejecting the application for anticipatory bail the Court below

ought to have realised that it is dealing with the liberty of the citizen. The impugned order is, therefore, void *ab initio* and liable to be set aside.

3. In the aforesaid view of the matter, by consent of parties, the impugned order is set aside without examining merits or demerits of it. Anticipatory Bail Application No.1278/2007 is restored to the file of the Sessions Court with direction to hear and decide the same with expeditious despatch after hearing rival parties. Matter be placed before the concerned Sessions Judge on 2nd November, 2007.

4. In the meanwhile, till the matter is placed before the learned Sessions Judge, in the event of arrest of the application, applicant be released on temporary bail on his executing P.R.Bond of Rs.25,000/- with one or two sureties to make the said amount. It would be open for the applicant to pray for appropriate relief before the learned Sessions Judge. Applicant undertakes to appear before learned Sessions Judge on 2nd November, 2007. With the appearance of the applicant, interim protection shall come to an end.

5. Application is disposed of accordingly.

JUDGE